

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY HOBSON,

Petitioner,

v.

RONALD OLIVER, *et al.*,

Respondents.

Case No. 2:20-cv-00503-KJD-NJK

ORDER

This habeas corpus action, brought under 28 U.S.C. § 2254 by Tony Hobson, who is represented by appointed counsel, was stayed on April 4, 2022, pending completion of Hobson's state-court proceedings. ECF No. 44. On August 19, 2024, Hobson filed a Motion to Reopen, indicating that the state-court proceedings have been completed and requesting that the Court lift the stay of this action. ECF No. 52. On August 29, 2024, Respondents filed a notice stating that they do not oppose Hobson's Motion to Reopen. ECF No. 54. The Court will grant Hobson's motion and will lift the stay and set a schedule for further proceedings.

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1 **IT IS THEREFORE ORDERED** that Petitioner's Motion to Reopen (ECF No. 52) is
2 **GRANTED**. The stay of this action is lifted. The Clerk of the Court is directed to reopen this
3 case.

4 **IT IS FURTHER ORDERED** that the following schedule will govern further
5 proceedings in this action:

6 1. Second Amended Petition. Petitioner will have 30 days from the date of entry of this
7 order to file a second amended petition for writ of habeas corpus, if necessary.

8 2. Response to Petition. Respondents will have 90 days following the filing of a second
9 amended petition, or following the due date for a second amended petition if a second amended
10 petition is not filed, to file an answer or other response to the petition.

11 3. Reply and Response to Reply. Petitioner will have 60 days following the filing of an
12 answer to file a reply. Respondents will thereafter have 30 days following the filing of a reply to
13 file a response to the reply.

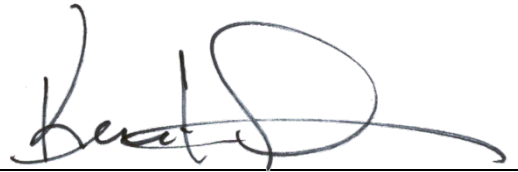
14 4. Briefing of Motion to Dismiss. If Respondents file a motion to dismiss, Petitioner will
15 have 60 days following the filing of the motion to file a response to the motion. Respondents will
16 thereafter have 30 days following the filing of the response to file a reply.

17 5. Discovery. If Petitioner wishes to move for leave to conduct discovery, Petitioner
18 shall file such motion concurrently with, but separate from, the response to Respondents' motion
19 to dismiss or the reply to Respondents' answer. Any motion for leave to conduct discovery filed
20 by Petitioner before that time may be considered premature, and may be denied, without
21 prejudice, on that basis. Respondents shall file a response to any such motion concurrently with,
22 but separate from, their reply in support of their motion to dismiss or their response to
23 Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply in support of the motion
24 for leave to conduct discovery.

25 6. Evidentiary Hearing. If Petitioner wishes to request an evidentiary hearing, Petitioner
26 shall file a motion for an evidentiary hearing concurrently with, but separate from, the response
27 to Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for an
28 evidentiary hearing filed by Petitioner before that time may be considered premature, and may be

1 denied, without prejudice, on that basis. The motion for an evidentiary hearing must specifically
2 address why an evidentiary hearing is necessary and must satisfy the requirements of 28 U.S.C. §
3 2254(e). The motion must state whether an evidentiary hearing was held in state court, and, if so,
4 state where the transcript is located in the record. If Petitioner files a motion for an evidentiary
5 hearing, Respondents shall file a response to that motion concurrently with, but separate from,
6 their reply in support of their motion to dismiss or their response to Petitioner's reply. Thereafter,
7 Petitioner will have 20 days to file a reply in support of the motion for an evidentiary hearing.

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9 DATED THIS 29th day of August 2024.

A handwritten signature in blue ink, appearing to read 'Kent J. Dawson', is written over a horizontal line.

KENT J. DAWSON
UNITED STATES DISTRICT JUDGE